



TOWN OF BEAUX ARTS VILLAGE
TOWN COUNCIL MINUTES

September 13, 2005
Lowry

Mayor Lowry called the meeting to order at 7:30 pm.

PRESENT: Mayor Chuck Lowry, Councilmembers Betty Heckendorn, John Rose, Aaron Sharp, and Judee Wells (arrived at 7:40 pm).

EXCUSED: Tom Robinson.

STAFF: Clerk-Treasurer Sue Ann Spens, Water Superintendent Bob Durr, Marshal Kyle Branum.

GUESTS: Jim Cooch, Robin Stefan.

MINUTES: Councilmember Heckendorn moved to approve the July 12, 2005 minutes as written. Councilmember Sharp seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

CLERK'S REPORT:

2ND QUARTER 2005 TREASURER'S REPORTS: Councilmember Rose asked that the record reflect he has reviewed the 2nd Quarter 2005 Treasurer's Reports with supporting documentation and found them to be accurate and in order.

FIRST CALL FOR BUDGET INPUT: Clerk-Treasurer Spens reminded the Council that the budget cycle has officially begun and asked that each Councilmember provide input on the budgetary needs of their areas for 2006. She reminded the Council that a preliminary budget, including anticipated 2006 revenues and levy recommendations, will come to them in October for further review and revisions.

STEP FAMILY PROCLAMATION: Clerk-Treasurer Spens noted that she received a request from the Stepfamilies Association of America for a Stepfamily Day Proclamation 2005 proclaiming September 16, 2005 to be Stepfamily Day. Mayor Lowry indicated his intention to sign this proclamation.

PROCLAMATION TO ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM: Clerk-Treasurer Spens reported that she received an email from the AWC notifying us that this proclamation needs to be adopted by September 30, 2005 to remain eligible for FEMA assistance in the event of an emergency. She added that the additional work needed to meet the guidelines will be implemented primarily by those agencies with whom we contract for fire, police, and other related services. Mayor Lowry will also sign this proclamation.

AWC RMSA REFUND: Clerk-Treasurer Spens noted that on October 15, 2005, the AWC RMSA refunded \$484 to the Town as our portion of an equity distribution of excess funds collected in 1996 and 1997. She added that this refund drops our insurance cost for 2005 to \$5,000.

WATER DEPT INFORMATION: Clerk-Treasurer Spens reported that the Beaux Arts Water Department has received its 2006 Operating Permit valid through August 2006.

STORM SEWER AS-BUILTS: Clerk-Treasurer Spens commented that Bill Beck plans to complete these as-builts by the end of October.

WARRANTS: Councilmember Heckendorn moved to approve the August 9, 2005 warrant list, including warrant numbers 6777 through 6801 in the amount of \$21,705.42.

Councilmember Sharp seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Sharp moved to approve the September 13, 2005 warrant list, including warrant numbers 6802 through 6823 in the amount of \$11,074.81. Councilmember Heckendorn seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

MARSHAL'S REPORT: Town Marshal Branum reported that the Village experienced very few reportable incidents over the summer and added that his report in the upcoming Town bulletin will remind everyone that car prowling and mail theft often increase with the shorter daylight hours. He added that Blockwatch is functioning very well thanks to Sylvia Hobbs. He noted that the few incidents that did occur this summer were quickly reported to the Blockwatch Cell Captains and disseminated by them to residents quickly and efficiently.

[Councilmember Wells arrived at 7:40pm.]

WATER REPORT: Water Superintendent Durr reported that we were on Bellevue Water for about a week but have switched back to our own water now.

He then stated that Bill Beck's certification as a water-system operator is due for renewal and that in prior years Bill was recertified as part of his employment with the City of Bellevue. He explained that Mr. Beck has committed to continuing his work for the Town for another two years or more if we pay the \$3,000 that recertification costs. He noted that our other option is to hire another certified operator but the Washington State Department of Health seems to be moving toward requiring small water systems to hire firms to provide these services in the next few years. He recommended that the Town pay for Mr. Beck's recertification now and re-evaluate our options in two years. It was the consensus of the Council that the Town should pay for Bill Beck's recertification. Water Superintendent Durr will notify Mr. Beck of this decision.

Water Superintendent Durr reported that he received a complaint from the Scotts about water odor and that Bill Beck has flushed the distribution line serving the Scotts and their neighbors.

EMERGENCY PREPAREDNESS: Clerk-Treasurer reported that Councilmember Robinson asked her to let the Council know that he will be bringing information about ham radios to the Council in October.

WABA REPORT: Nothing to report.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 335 ADOPTING A SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2006

THROUGH 2011, INCLUSIVE: Mayor Lowry opened the public hearing at 8:00pm. Councilmember Sharp stated that his report last month on the price of asphalt was incorrect – the price is \$15.50 per cubic yard not per cubic foot. He then noted that the costs in the proposed TIP are higher than last year's TIP due mainly to inflation and the cost of petroleum products.

Councilmember Rose reminded the Council that he had offered to explore additional funding sources for Street-Fund revenues. He listed those additional sources as: reserves in the General Fund, a voter-approved property tax increase, and borrowing with or without a vote. Clerk-Treasurer Spens added that the Town currently imposes only the first ¼% real-estate excise tax (REET) and could impose an additional ¼% that must be used for capital-projects. She will research what the Council needs to do to implement this additional REET and who currently imposes it.

Councilmember Rose asked if these are the only projects that the Town needs to fund. Councilmember Sharp answered that these are his best estimates for the six-year period but that new projects could emerge for next year's TIP. He added that next year's budget can be amended if project priorities and /or asphalt prices change drastically by next year.

Councilmember Wells asked about recovering for the damages inflicted by large construction vehicles. Clerk-Treasurer Spens commented that other towns imposed impact fees for heavy-truck activity and she will get information on this as another funding possibility.

Mayor Lowry closed the public hearing at 8:15pm.

MOTION: Councilmember Sharp moved to pass Ordinance No. 335 adopting the six-year comprehensive street program for the years 2006 through 2011, inclusive. Councilmember Heckendorn seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

PROPOSED RESOLUTION NO. 222 EXTENDING THE INTERLOCAL AGREEMENT FOR THE WATERSHED BASINS WITHIN THE WATER RESOURCE INVENTORY AREA (WRIA) 8:

Councilmember Heckendorn stated that this extension of the original Interlocal Agreement is needed to give member cities enough time to complete ratification of the Chinook Salmon Recovery plan put forward last month and to pursue activities related to implementing that plan.

MOTION: Councilmember Heckendorn moved to adopt Resolution No. 222 extending the Interlocal Agreement for the Watershed Basins within the Water Resource Inventory Area

(WRIA) 8. Councilmember Rose seconded.
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

REQUEST FOR PROPOSALS FOR BUILDING SERVICES PROVIDER: Clerk-Treasurer Spens reminded the Council that the Towns of Hunts Point, Yarrow Point, and Beaux Arts Village published a joint Request for Proposals to solicit interest in serving the needs of each town for a building services provider. She explained that eight firms responded and four of these were chosen based on their proposals to interview with a group of representatives from each Town. She explained that the interviews will be held over the next two weeks and asked if members of the Council would like to participate. Councilmember Wells indicated that if she is available, she would like to attend any or all of these interviews. The Council also asked that Board of Adjustment (BOA) Chair Steve Hauck be invited to participate, since the BOA often interfaces with the building official.

PROPOSED RESOLUTION NO. 223 AUTHORIZING A CONTRACT WITH MONA GREEN FOR PLANNING CONSULTANT SERVICES: Clerk-Treasurer Spens reported that the contract before the Council has been reviewed and approved by Town Attorney Stewart.

MOTION: Councilmember Heckendorn moved to adopt Resolution No. 223 authorizing the Mayor to Execute a Contract for Planning Consultant Services with Mona Green.
Councilmember Rose seconded.
Vote: 4 For, 0 Against, 0 Abstain.

ARBORIST REPORTS: Councilmember Sharp distributed copies of:

- a letter he received from Heiser Homes requesting permission to remove a number of trees from the Town right of way, as depicted on a map provided,
 - a letter from Trees for Life addressing the trees identified for removal by Heiser Homes and suggesting that fewer of these trees should be removed, and
 - a letter he has drafted responding to Heiser Homes' request on a point-by-point basis.
- He asked if there were any concerns about the working or content of his response.

Councilmember Rose asked how much this work will cost. Councilmember Sharp noted that work on the largest tree, a Douglas Fir, will cost about \$1,500 (up to half of this cost can probably be shared with Heiser) and the remaining trees will cost another \$1,500 total.

After some discussion, it was the consensus of the Council that Councilmember Sharp send his response, as amended, to Heiser and that it emphasize the need to protect the Douglas Fir that has roots extending into the setback line on the property.

PROPOSED LEGISLATION REQUIRING SELLERS TO DISCLOSE EAGLE-RELATED RESTRICTIONS AND PROPOSED PLAN FOR ENCOURAGING TREE PRESERVATION ON PRIVATE PROPERTY: Clerk-Treasurer Spens reported that Town Attorney Stewart recommends that the Town not pass the Ordinance requiring eagle-nest disclosure because the requirement to disclose such restrictions is already state law and that passing this ordinance will create an enforcement responsibility for the Town that we may not be able to fulfill (which in turn creates a liability for the Town). She added that

Town Attorney Stewart recommends instead that the Town perform its own inventory of the eagle nests that exist within our boundaries and write our own protections rules, if such protection is the desired outcome. Mayor Lowry reminded everyone that Julie Stofel, Washington State Department of Fish and Wildlife, has been very responsive to the needs of Town residents and has worked out reasonable accommodations for all construction projects currently underway.

It was the consensus of the Council to focus its attention on the primary goals of emphasizing the value of tree preservation.

Councilmember Rose reported that he had worked with Town resident, Julia Morse, to develop a program for identifying trees of special interest throughout the Village and educating residents about the importance and value of preserving these trees. He stated that his plan would require homeowners to notify their neighbors several days before they plan to remove a tree, giving those neighbors an opportunity to express any concerns they may have about the planned removal and possibly swaying the owner's decision about cutting the tree or trees in question. He added that if someone had approached him about preserving a large tree he removed during the remodeling of his home, he would have given more serious thought to keeping it and that he believes many other Village residents would respond similarly.

Robin Stefan stated that she doesn't believe this approach will change anything in people's attitudes toward trees and tree preservation on their property. She added that only a tree ordinance will truly protect trees and that such an ordinance doesn't have to prohibit tree cutting, just control it. She explained that several nearby cities have ordinances that allow property owners to remove significant trees provided they follow the prescribed process, which may include replacement.

Councilmember Rose stated that he prefers his approach, i.e. requiring notice to neighbors prior to cutting. Councilmember Wells suggested that such notices could be posted on the mailstands in the vicinity of the affected property and mailed to homes within a certain distance similar to how we handle variance notices.

Councilmember Rose suggested that we need to write a draft process for Council review that includes defining a significant tree, establishing the process for notices, determining what, if any, role arborist reports will play, and deciding what happens if someone doesn't adhere to the policy. Councilmember Wells suggested that the definition for significant trees could be based on trunk diameter to simplify identification.

MAYOR AND COUNCILMEMBER REPORTS:

TOWN CLEANUP: Councilmember Wells announced that this fall's cleanup is scheduled for October 29th and that Robin Stefan has identified two Park projects to be completed at an estimated cost of \$900. She also reported that Robin Stefan has located a wholesale source of 4' to 6' tall native trees at significant savings and that the adopt-a-tree program has helped ensure the survival of a number of trees planted on rights of way throughout Town over the last few years.

Mayor Lowry offered to contact Peggy Bates about the Town's need to perform major hedge pruning along SE 29th and 106th Pl SE. After Mayor Lowry speaks with Mrs. Bates, Councilmember Sharp will arrange to cut the hedge well back from the paved roadway at this corner.

COTTAGE HOUSING COMMITTEE: Councilmember Rose reported that the Planning Commission will discuss the recommendations of the Cottage Housing Committee at their next meeting.

EMERGENCY PREPAREDNESS: Mayor Lowry asked the Council to consider whether we need to purchase an emergency generator to keep the water pump in service in an emergency involving the loss of electrical power. Councilmember Sharp stated that he thinks the pump is three-phase and that a suitable generator may cost between \$50,000 and \$100,000. He added that we would have to provide storage for fuel for the generator as well. He offered to research generator costs.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council the October meeting is scheduled for October 11th at Judee Wells' house. Councilmember Wells stated that she may need to trade with another Councilmember as her remodeling project is still underway.

ADJOURN: Councilmember Rose moved to adjourn the meeting at 9:30 pm.

Councilmember Heckendorn seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer